

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

V.

MARCUS MITCHELL

§
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§
§

NO. 1:08-CR-92


ORDER ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT

On this day, the court considered the Findings of Fact and Recommendation of United States Magistrate Judge Earl S. Hines regarding defendant's plea of guilty to Count III of the Indictment in the above-numbered case. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the magistrate judge recommends that the court conditionally accept the plea agreement. The court is of the opinion that the Findings of Fact and Recommendation should be accepted.

Accordingly, it is **ORDERED** that the Findings of Fact and Recommendation of the United States magistrate judge are **ADOPTED**.

It is further **ORDERED** that the court conditionally accepts the plea agreement as to Count III of the Indictment and will defer its final decision as to acceptance or rejection until there has been an opportunity to consider the presentence report.

SIGNED this the **10** day of **October, 2008**.


Thad Heartfield
United States District Judge